

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BRIAN DAVID HILL,	:	
Petitioner,	:	
	:	
v.	:	1:13CR435-1
	:	1:17CV1036
UNITED STATES OF AMERICA,	:	
Respondent.	:	

GOVERNMENT'S MOTION FOR LEAVE FOR TIME TO FILE RESPONSE

NOW COMES the United States of America, by and Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and respectfully requests leave of Court to file a response to Petitioner's "Motion and Brief for Leave to File Additional Evidence" (ECF Docket Entries ("DE") #144, #145) in the above-captioned matter. In support of this motion, the government cites the following:

1. Under the Rule 5(e) of the Rules Governing Section 2254 and Section 2255 Proceedings (Pub. L. No. 94-426), "The petitioner may submit a reply to the respondent's answer or other pleading within a time fixed by the judge."
2. Petitioner was advised in a *Roseboro* letter¹ (DE #142) sent from the Clerk of Court dated January 10, 2018, that he "the right to file a 20-page

¹ see *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975).

response in opposition to the respondent's motion...within 21 days from the date of service of the respondent's motion upon [Petitioner].” (DE #142).

3. Petitioner filed in excess of 100 pages on January 26, 2018, in response to the government’s motion to dismiss. This filing, while exceeding the 20-page limit stated in the *Roseboro* letter, was timely filed according to the limits set forth in DE #142.

4. On March 7, 2018, Petitioner filed another 130 pages captioned as “Petitioner’s Motion and Brief for Leave to File Additional Evidence.” (DE #144, #145). The government wishes to address this filing due to its accusations of the undersigned engaging in misconduct, and due to its untimely nature.

WHEREFORE, the United States respectfully requests that the Court grant leave for the government to respond to Petitioner’s motion (DE #144,

#145) within two weeks, by Friday, March 23, 2018.

This the 9th day of March, 2018.

Respectfully submitted,

MATTHEW G.T. MARTIN
UNITED STATES ATTORNEY

/S/ ANAND P. RAMASWAMY
Assistant United States Attorney
NCSB # 24991
United States Attorney's Office
Middle District of North Carolina
101 South Edgeworth Street, 4th Floor
Greensboro, NC 27401
Phone: 336/333-5351

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BRIAN DAVID HILL,	:	
Petitioner,	:	
	:	
v.	:	1:12CR305-1
	:	
UNITED STATES OF AMERICA,	:	1:16CV634
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2018, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, and I hereby certify that the document was mailed to the following non-CM/ECF participant:

Mr. BRIAN DAVID HILL
310 Forest St., Apt.2
Martinsville, VA 24112

Respectfully submitted,

MATTHEW G.T. MARTIN
UNITED STATES ATTORNEY

/S/ ANAND P. RAMASWAMY
Assistant United States Attorney
NCSB #24991
United States Attorney's Office
Middle District of North Carolina
101 S. Edgeworth St., 4th Floor
Greensboro, NC 27401
Phone: 336/333-5351